

It is believed that all the claims, with the exception of claim 6, are readable on the elected species.

It is submitted, however, that the requirement for the election of species is improper. The Examiner argues that Claims 1 to 7 and 9 to 10 are generic to a plurality of disclosed patentably distinct species comprising, for example, O-heterocyclic derivatives classified in 549/200+, S-heterocyclic derivatives classified in 549/1+ etc. The fact is that applicant's compounds are all ones which contain a terpyridine arrangement i.e. three connected six membered heterocyclic rings containing a single nitrogen atom. The fact that X and Y can also be heterocyclyl does not affect the basic terpyridine structure. Moreover, the classification system is not determinative here since it is merely an aid to searching.

Accordingly, all of the claimed subject matter should be examined and withdrawal of the election requirement is respectfully requested.

Claims 1 to 5 and 9-10 stand rejected under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention. The Examiner contends that the specification does not give any guidance as to how each of the heterocyclyl substituted X and/or Y containing derivatives were prepared. He further contends that Applicants are claiming heterocyclic substituted amine derivatives and that Applicants have not disclosed any working examples which would demonstrate or guide one skilled in the art as to how the heterocyclic substituted derivatives other than pyridine, imidazole, benzimidazole, pyrimidine and purine, derivatives were prepared or obtained. The Examiner lastly contends that the process of making the heterocyclic substituted derivatives or how the heterocyclic substituted derivatives were obtained is not readily apparent from the specification.

In reply, the specification gives ample indication as to how all the claimed compounds can be prepared regardless of the nature of the heterocyclic substituents X or Y which may be present. Thus the specification indicates at page 7 lines 6 to 12:

“The compounds of formula (I) may be prepared by methods known in the art. For example, the compounds of formula (I) may be prepared from chloro(2,2':6',2''-terpyridine)platinum (II) chloride by treatment with a thiol Y-SH, in one instance the chloro(2,2':6',2''-terpyridine)platinum (II) chloride may be converted to a suitable salt before treatment with the thiol. The compounds of formula (I) may also be prepared from a complex formed from reacting a platinum complex of 1,5-cyclooctadiene with a 2,2':6',2''-terpyridine (see, for example, WO97/27202)”.

Added to this the synthesis of a variety of the Applicant's compounds is set out at page 20 line 22 et seq. A general method is given for preparing the compounds as well as a literature method.

It is important to note in the light of the Examiner's arguments that the first method involves reacting the appropriate terpyridine platinum (II) with the appropriate thiol Y-SH. In other words, a known chloride and a known thiol are reacted. These compounds already contain the desired substituents X and Y. Similar considerations apply to the alternative process of reacting a platinum complex of 1,5-cyclooctadiene with a 2,2':6',2''-terpyridine.

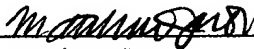
Accordingly, there can be no doubt that the specification does indeed give ample indications as to how the compounds claimed can be prepared, regardless of the nature of any heterocyclyl substituents X and/or Y.

Under the circumstances, all outstanding rejections have been met and an early allowance of this application is earnestly requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned at the telephone number below.

Respectfully submitted,

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